IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 3147 of 2004(Y)

PETITIONER:

K.K. THOMAS, S/O. KUNJAVARA,
KUNNATHOTTATHIL HOUSE, NEELESWARAM P.O.,
KALADY.

BY ADV. SRI.WILSON URMESE

RESPONDENTS:
----

1. THE ERNAKULAM CO-OPERATIVE
AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.,
NO.E 87, ALUVA, REPRESENTED BY ITS
SECRETARY.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, ERNAKULAM.

BY ADV. SRI.JEEMON K.ABRAHAM --R1
GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 3147/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RELEASE DEED DT. 15/12/2001.

EXT.P2. COPY OF THE REPRESENTATION DT. 25/2/2002 BEFORE THE PRESIDENT OF THE R1.

EXT.P3. COPY OF THE LETTER NO. 909/48/2002-03 DT. 16/5/2002 BY R1.

EXT.P4. COPY OF THE ORDER DT. 8/7/02.

EXT.P5. COPY OF THE NEWS REPORT PUBLISHED IN MALAYALA MANORAMA DAILY DT. 20/8/2002.

True copy

tga

KURIAN JOSEPH, J.

W.P.(C) No. 3147 of 2004

Dated this the 26th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers:

> **"Issue a writ of mandamus directing the 1st respondent to give back the petitioner a sum of Rs.39,454/- ie. The amount collected by way of penal interest and arrear interest from him at exorbitant rates.**
>
> **Issue a writ of mandamus directing the 1st respondent to reconsider Ext.P2 and thereby review Ext.P3 decision and give back the petitioner the amounts collected by way of penal interest on interest portion."**

2. There is no counter affidavit. The writ petition is, hence, disposed of directing the 2nd respondent to consider Ext. P2 with notice to petitioner and 1st respondent and pass appropriate orders, in accordance with law, adverting to the contentions taken by the respondent within a period of three months from the date of production of a copy of this judgment.

(KURIAN JOSEPH, JUDGE)

ma/

KURIAN JOSEPH, J.

OP No.

Page numbers

JUDGMENT

13th March, 2006